

OCT 24 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

JAMES REGAN FORGETTE,)	CASE NO. 7:11CV00496
)	
Petitioner,)	
)	FINAL ORDER
vs.)	
)	
HAROLD W. CLARKE,)	By: Glen E. Conrad
)	Chief United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, for failure to exhaust state court remedies, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

ENTER: This 24th day of October, 2011.



Chief United States District Judge